

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed February 13, 2009.

Claims 1-9 were rejected. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-9 were originally presented. Claims 1, 3, 4, and 7-9 remain in the application. Claims 2, 5, and 6 have been canceled without prejudice. Claims 1, 3, 4 and 7-9 have been amended. Claims 10 and 11 have been added.

Claim Rejections - 35 U.S.C. § 112

Claims 5 and 6 were objected to for having an erroneous dependency listed. The claims have been deleted.

Claim 7 stands rejected under § 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, there is insufficient antecedent basis for the term "the registration levels". The claim has been amended to correct the antecedent error.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2 and 7-9 (including independent claim 1) were rejected under 35 U.S.C. § 103 as being unpatentable over Mini et al. (U.S. 6,684,196, hereinafter "Mini") in view of Odom et al. (U.S. 6,058,379, hereinafter "Odom").

The Mini and Odom references, when combined, do not teach or suggest all of the elements of independent claim 1, as amended. Specifically, the Mini reference does not teach limiting the display of real estate information shown on a display terminal based on the dealing mode, and the Odom reference does not overcome that deficiency.

The Mini reference discloses a method for facilitating a real estate transaction between a seller and a buyer via a network. (See Abstract). A personalized transaction manager enables a buyer and a seller to complete "most of the stages of the [home sales] transaction online". (Col. 2, lines 49-51). Mini further discloses that the transaction manager can be used to apply for

financing, homeowners insurance, and title insurance, schedule inspections, engage in complicated negotiations, establish an escrow account, and monitor the status of the transaction. (Col. 2, lines 51-67).

In contrast to the Mini reference, claim 1 of the present application, as amended, recites that a limited portion of the registration information found in the real estate identification is transmitted to the purchaser terminal if it is determined that the dealing mode information indicates an intermediation dealing mode. A purchaser terminal displays limited data for seller information and real estate information if the real estate is registered for an intermediation dealing mode. However, a member store terminal displays all the data about the real estate, regardless of the dealing mode. Thus, a purchaser must contact a member store to obtain more information about the real estate, which in turn encourages transactions through member stores and increases chances for purchasers to contact to the member stores. (See application, ¶ 0055).

The Office Action cites the Odom reference as disclosing the concept of having “different modes of dealing.” (See Office Action, page 4, 3rd paragraph). Odom teaches that a mode of operation may be specified, such as “how an exchange will work and what rules it will work under.” (See Column 5, lines 11-15). This information can include the aspects of the exchange that will be “open” and those that will be “closed”, whether there will be public or private access to negotiations, and whether or not seller intervention will be allowed. (Col. 5, lines 15-23). Gaining access to a negotiation is different from the ability to control which information is directed to different parties.

The Odom reference does not teach or suggest supplying limited information to non-member locations to encourage potential purchasers to contact a member store. Rather, it merely provides a vague disclosure of rules for an exchange. There is no definition of how the rules are implemented or what the terms “open” and “closed” mean. Indeed, the Odom specification continues to discuss that “listing information is made accessible to the public. This may include posting information on a world wide web page that the public can access.” Odom does not teach or suggest that any of the listing information is withheld from certain groups or individuals. Therefore, it would not be obvious to one of skill in the art to combine the teachings of Mini and Odom to arrive at the present invention, as recited in claim 1.

Rejection of the dependent claims 2 and 7-9 should be reconsidered and withdrawn for at least the reasons given above with respect to the independent claim. The dependent claims, being

narrower in scope, are allowable for at least the reasons for which the independent claim is allowable.

Claims 3-6 were rejected under 35 U.S.C. § 103 as being unpatentable over Mini in view of Odom and further in view of Wheeler (U.S. Patent Publication No. 20040039581).

Claims 5 and 6 have been canceled without prejudice.

Regarding claims 3-4, Applicant respectfully submits that the combination of the Mini, Odom, and Wheeler references would not create the claimed invention. Assuming *arguendo*, at best, this combination would merely create a feature for registering information on real estate, selectively choosing an agency and providing the information from the seller or the agency to transact the real estate depending on the choice. Applicant submits that this is distinguishable from the claimed invention, as embodied in amended independent Claim 1. The claimed invention provides information from a dealing server regardless of whether the dealing mode is a direct dealing mode or intermediation dealing mode, and limits the information provided to the purchaser in the intermediation dealing mode. Further, the prior art combination contradicts the objective of the Mini reference for transacting real estate through agencies.

Regarding new claims 10 and 11, none of the Mini, Odom, and Wheeler references teach or suggest the operation of determining whether a terminal transmitting the connection request is a member store terminal or a seller terminal based on the log in information; admitting the terminal transmitting the connection request to proceed to a registration mode if the terminal is a seller terminal; and admitting the terminal transmitting the connection request to proceed to a search mode instead of the registration mode if the terminal is a member store terminal.

Therefore, Applicant respectfully submits that claims 1, 3, 4 and 7-11 are allowable, and urges the Examiner to withdraw the rejection.

CONCLUSION

In light of the above, Applicant respectfully submits that pending claims 1, 3, 4 and 7-11 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call Steve Perry at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Pursuant to 37 C.F.R. § 1.136(a), it is respectfully requested that the shortened statutory period be extended one month. Fees in the amount of \$65.00 will be submitted electronically pursuant to 37 C.F.R. § 1.17(a)(1). Two independent claims were added (claims 10 and 11), while three dependent claims were canceled (claims 2, 5 and 6), for a total of eight claims with three independent claims. Therefore, no additional fee is due for the new claims.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 15th day of June, 2009.

Respectfully submitted,

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